

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RONALD BERGMAN; et al.,

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3:13-cv-0249-LRH-WGC

Plaintiffs,

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v.
MICHAEL WHAN; et al.,

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ORDER

Defendants.

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MICHAEL WHAN; et al.,

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Third-Party Plaintiffs,

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v.
CHRISTINA WASEF,

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Third-Party Defendant.

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Before the court is third-party defendant Christina Wasef's ("Wasef") emergency motion for an order shortening time for leave to amend her answer to assert counterclaims which the court shall construe as an emergency motion for leave to amend. Doc. #33.¹

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¹ Refers to the court's docket number.

I. Facts and Procedural History

This action involves a fire at an apartment which killed two children. Plaintiff, the father of the children, brought suit against defendants, the owners of the apartment. Doc. #1. In response, the defendants filed an answer and third-party complaint against Wasef, the mother of the deceased children and the person renting the apartment. Doc. #10. Wasef filed her initial answer. Doc. #18. Thereafter, Wasef filed the present emergency motion to amend her answer to assert counterclaims before the statute of limitations runs out. Doc. #33.

II. Discussion

A party may amend its pleadings after a responsive pleading has been filed by leave of court. FED. R. CIV. P. 15(a)(2). Leave of court to amend should be freely given when justice so requires and when there is no undue delay, bad faith, or dilatory motive on the part of the moving party. See *Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191 (D. Nev. 2009); *DCD Programs, LTD v. Leighton*, 883 F.2d 183 (9th Cir. 1987).

Here, Wasef requests leave to amend her answer to assert counterclaims and add an additional defendant to this action. *See* Doc. #33. A copy of the proposed amended answer is attached to the reply in accordance with LR 15-1. Doc. #33, Exhibit 2.

The court finds that there is no undue delay, bad faith, or dilatory motive on behalf of Wasef in requesting leave to amend her answer. Further, the court finds that the matter is early in litigation and that the parties would not be prejudiced by allowing amendment. Accordingly, Wasef shall be granted leave to amend her answer.

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1 IT IS THEREFORE ORDERED that plaintiffs' motion for leave to file an amended
2 complaint (Doc. #33) is GRANTED. Plaintiffs shall have three (3) days after entry of this order to
3 submit the amended complaint attached as Exhibit 2 to the motion for leave to amend (Doc. #33,
4 Exhibit 2).

5 IT IS SO ORDERED.

6 DATED this 25th day of February, 2014.



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8 LARRY R. HICKS
9 UNITED STATES DISTRICT JUDGE
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